

111TH CONGRESS  
1ST SESSION

# H. R. 1604

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 19, 2009

Mrs. DAVIS of California (for herself, Mr. THOMPSON of California, Mr. HASTINGS of Florida, Mr. FARR, Mr. WILSON of Ohio, Ms. NORTON, Mr. LOEBSACK, Mr. YARMUTH, Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. SUTTON, Ms. WATSON, Mr. WALZ, Mr. HINCHEY, Mrs. CAPPS, Ms. PINGREE of Maine, Mr. ISRAEL, Mr. HOLT, Ms. WOOLSEY, Mr. AL GREEN of Texas, Mr. MASSA, Mr. MURPHY of Connecticut, Mr. GRIJALVA, Mr. CARNAHAN, Ms. ZOE LOFGREN of California, Mr. MCGOVERN, Mr. STARK, Ms. SCHAKOWSKY, Mr. BRALEY of Iowa, Mr. BOUCHER, Mr. BISHOP of New York, Mr. BERRY, and Mr. CARDOZA) introduced the following bill; which was referred to the Committee on House Administration

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## A BILL

To amend the Help America Vote Act of 2002 to allow all eligible voters to vote by mail in Federal elections.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Universal Right to  
5 Vote by Mail Act of 2009”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) An inequity of voting rights exists in the  
4 United States because voters in some States have  
5 the universal right to vote by mail while voters in  
6 other States do not.

7 (2) Many voters often have work, family, or  
8 other commitments that make getting to polls on the  
9 date of an election difficult or impossible. Under  
10 current State laws, many of these voters are not per-  
11 mitted to vote by mail.

12 (3) 28 States currently allow universal absentee  
13 voting (also known as “no-excuse” absentee voting),  
14 which permits any voter to request a mail-in ballot  
15 without providing a reason for the request, and no  
16 State which has implemented no-excuse absentee  
17 voting has switched back.

18 (4) Voting by mail gives voters more time to  
19 consider their choices, which is especially important  
20 as many ballots contain greater numbers of ques-  
21 tions about complex issues than in the past due to  
22 the expanded use of the initiative and referendum  
23 process in many States.

24 (5) Allowing all voters the option to vote by  
25 mail can lead to increased voter participation.

1           (6) Allowing all voters the option to vote by  
2           mail can reduce waiting times for those voters who  
3           choose to vote at the polls.

4           (7) Voting by mail is preferable to many voters  
5           as an alternative to going to the polls. Voting by  
6           mail has become increasingly popular with voters  
7           who want to be certain that they are able to vote no  
8           matter what comes up on Election Day.

9           (8) No evidence exists suggesting the potential  
10          for fraud in absentee balloting is greater than the  
11          potential for fraud by any other method of voting.

12          (9) Many of the reasons which voters in many  
13          States are required to provide in order to vote by  
14          mail require the revelation of personal information  
15          about health, travel plans, or religious activities,  
16          which violate voters' privacy while doing nothing to  
17          prevent voter fraud.

18          (10) State laws which require voters to obtain  
19          a notary signature to vote by mail only add cost and  
20          inconvenience to voters without increasing security.

21 **SEC. 3. PROMOTING ABILITY OF VOTERS TO VOTE BY MAIL**

22 **IN FEDERAL ELECTIONS.**

23          (a) IN GENERAL.—Subtitle A of title III of the Help  
24          America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is

1 amended by inserting after section 303 the following new  
2 section:

3 **“SEC. 303A. PROMOTING ABILITY OF VOTERS TO VOTE BY**  
4 **MAIL.**

5 “(a) IN GENERAL.—If an individual in a State is eli-  
6 gible to cast a vote in an election for Federal office, the  
7 State may not impose any additional conditions or require-  
8 ments on the eligibility of the individual to cast the vote  
9 in such election by mail, except to the extent that the  
10 State imposes a deadline for requesting the ballot and re-  
11 lated voting materials from the appropriate State or local  
12 election official and for returning the ballot to the appro-  
13 priate State or local election official.

14 “(b) RULE OF CONSTRUCTION.—Nothing in sub-  
15 section (a) shall be construed to affect the authority of  
16 States to conduct elections for Federal office through the  
17 use of polling places at which individuals cast ballots on  
18 the date of the election.

19 “(c) EFFECTIVE DATE.—A State shall be required  
20 to comply with the requirements of subsection (a) with re-  
21 spect to elections for Federal office held in years beginning  
22 with 2012.”.

23 (b) CONFORMING AMENDMENT RELATING TO EN-  
24 FORCEMENT.—Section 401 of such Act (42 U.S.C. 15511)

1 is amended by striking “and 303” and inserting “303, and  
2 303A”.

3 (c) CLERICAL AMENDMENT.—The table of contents  
4 for such Act is amended by inserting after the item relat-  
5 ing to section 303 the following new item:

“Sec. 303A. Promoting ability of voters to vote by mail.”.

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